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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,453	03/28/2001	Michael J. Borg	10006797-1	6680

7590            09/07/2006

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[REDACTED] EXAMINER

LOFTIS, JOHNNA RONEE

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

3623

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/820,453	BORG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Johnna R. Loftis	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. The following is a non-final office action upon examination of application number.

Claims 1-5 and 7-11 are pending and have been examined on the merits discussed below.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/06 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the third limitation of claim 1 recites "... the first printing device". Based on amendments to the claim, this has no antecedent basis. For purposes of examination Examiner construes this to say "...the first replaceable component". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Hayward et al, US 6,798,997.

As per claim 1, Hayward et al teaches retrieving printing device data from component memory on a first replaceable component used in a printing device (column 9, lines 20-32 – information is received from the marking apparatus regarding condition of consumable component); storing the printing device data in a marketing database (column 9, lines 20-32 – information is received from the marking apparatus regarding condition of consumable component and automatically initiates an electronic order for a replacement); associating the printing device data with the first printing device (column 9, lines 1-42 – inherently printing device data is associated with a replaceable component so that the proper replaceable component is ordered); searching the marketing database for a second replaceable component that meets certain search criteria associated with the printing device data (column 9, lines 20-32 – information is received from the marking apparatus regarding condition of consumable component and automatically initiates an electronic order for a replacement); and applying a predetermined marketing solution for the second replaceable component found to meet the search criteria (column 10, lines 1-12 – the system sends and offer to purchase the replacement part).

As per claim 2, Hayward et al teaches the applying a pre-determined marketing solution further comprises notifying a customer that uses the printing device of a product that is related to the customer's use of the printing device (column 9, lines 33-42 – the system is used in copy, printing, etc. and the consumable part may include ink, ink cartridge, toner, paper etc.).

As per claim 3, Hayward et al teaches the printing device data further comprises information regarding an environment of the printing device and the search criteria includes a printing device environment criteria (column 9, lines 33-42 – the system is used in environments such as copy, printing, xerographic, etc. and the consumable part may include ink, ink cartridge, toner, paper etc.)

As per claim 4, Hayward et al teaches the printing device data further comprises information regarding printing device usage and the search criteria includes a printing device usage criterion (column 9, lines 21-32 – threshold conditions of the consumable component include usage among others).

As per claim 6, Hayward et al teaches the marketing database further comprises quality control data that identifies problems with certain products when used under certain conditions; and further comprising; searching the marketing database for a product that is used under a condition identified by the quality control data (column 7, lines 37-53 – a diagnostic module is used to diagnose problems and when a failed part is isolated, a replacement part is offered for sale).

As per claim 7, Hayward et al teaches the search criteria further comprises a particular type or model of the printing device (column 4, lines 47-55 – upon registering the machine, the information relating to the precise configuration of the registered product is stored).

As per claim 8, Hayward et al teaches the search criteria further comprises a component of a particular type or model of the printing device (column 5, lines 6-12 – using sensed indicia from registration, an automatic electronic customer direct supply ordering mechanism can identify a replacement part of consumable item that is needed and the proper part can be automatically ordered).

As per claim 9, Hayward et al teaches the printing device is a laser printer and the first and second replaceable components are toner cartridges (column 9, lines 33-42 – system used for printing apparatus and consumable part includes toner cartridges).

As per claim 10, teaches the printing device is an inkjet printer and the first and second replaceable components are ink cartridges (column 9, lines 33-42 – system used for printing apparatus and consumable part includes ink cartridges).

As per claim 11, teaches the marketing solution is stored in the marketing database and is associated with the first printing device (column 5, lines 6-12 – using sensed indicia from registration, an automatic electronic customer direct supply ordering mechanism can identify a replacement part of consumable item that is needed and the proper part can be automatically ordered).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayward et al, US 6,985,877 – method for supply ordering

Guheen et al, US 6,519,571 – dynamic customer profile management

Allen, US 6,233,408 – image forming device with token printing capabilities

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL  
9/5/06

*Ronan Janty*  
Primary Examiner  
Art Unit 3623